

**In the United States Court of Appeals
For the Fourth Circuit**

No. 19-2338

RECEIVED
2019 DEC -2 AM 9:58
U.S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT

**In re BRIAN DAVID HILL, in
his individual capacity as former
news reporter of USWGO
Alternative News
Petitioner**

v.

**United States of America,
Respondent**

**PETITIONER'S REPLY TO
UNITED STATES REPONSE [DKT.
#17] TO "EMERGENCY MOTION
FOR STAY EXECUTION OF
JUDGMENT OF THE DISTRICT
COURT PENDING WRIT OF
MANDAMUS APPEAL OR IN THE
ALTERNATIVE TO STAY
EXECUTION OF IMPRISONMENT
PENDING WRIT OF MANDAMUS
APPEAL"**

**PETITIONER'S REPLY TO UNITED STATES REPONSE [DKT. #17] TO
"EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF
THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR
IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT
PENDING WRIT OF MANDAMUS APPEAL"**

U.S.W.G.O.

Brian D. Hill - Ally of QANON
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Cover Page

Brian David Hill (“Appellant”), by and through, Brian D. Hill, proceeding pro se in this action, hereby replies to the response of the United States [DE #17 in Case No. 19-2338] to “Emergency Motion for Stay Execution of Judgment of the District Court Pending Writ of Mandamus Appeal or in Alternative to Stay Execution of Imprisonment Pending Writ of Mandamus Appeal” [DE #14 in Case No. 19-2338]. Appellant replies to the response and opposes it for the reasons as set forth below.

Pg 6: *“Hill makes such pro se motions at a time when he has appointed counsel, as he now does during the pendency of his appeal in case 19-4758. When ordered by this Court or the district court, the Government responds to Hill’s pro se motions.”*

The issues of fraud upon the court, is an independent action by party: Brian David Hill. Appellant was not appointed counsel for any reasons, purposes, or any orders involving the issues of “fraud upon the court”. Brian’s court appointed Counsel Renorda Pryor has no jurisdiction/authorization to represent Appellant in his 2255 case and any or all matters concerning his 2255 case, and has no jurisdiction/authorization to represent Appellant’s independent actions of requesting relief for fraud upon the court. Renorda Pryor was only appointed [See Entry entered: Jun 26, 2019, *appointment of counsel entered by clerk O'Doherty, Sinead*] for representation of Appellant for the Supervised Release Violation [Dkt. #157] which ended after the final oral judgment on September 12, 2019. Renorda Pryor couldn’t file anything in regards to fraud upon the court and wasn’t given authorization to have represented Appellant in that matter. Renorda was removed as appellate counsel and cannot and will not file any motions in the District Court since her ineffective assistance of counsel allegations were brought forth in his appeal in case 19-4758, and thus Attorney Ryan Kennedy was appointed only for purposes of appeal. No attorney is representing Appellant for the matters of independent collateral actions such as 2255 Motion, 2255 case pending, and issues

of fraud upon the court based upon the Court's inherit powers. Criminal Justice Act does not appoint counsel for independent actions such as citing and requesting use of Court's inherit Constitutional powers, writs, 2255 cases unless ordered so by the court, and civil cases.

Some of Brian's fraud upon the court motions or allegations were brought forth when counsel wasn't even appointed. See Dkt. 169, "*MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. Responses due by 2/20/2019.*" That "responses due" may be considered an order by the Clerk to respond to a motion prior to the Court acting upon it. See Dkt. 211, "*Notice of Mailing Recommendation: Objections to R&R due by 11/4/2019. Objections to R&R for Pro Se due by 11/7/2019. (Garland, Leah) (Entered: 10/21/2019)*"

Pg 6: "*There were no such orders of any court obligating the Government to respond to the motions he cites in his instant motion and petition for mandamus.*"

Does a Court have to manually enter a separate order for response for each motion filed?

The Clerk is an officer of the Court, and when the Clerk gives the Government an opportunity to respond by a certain deadline, that may be considered an order to at least give the other party an opportunity to respond.

Also it is mandated by Local Rule of the Middle District of North Carolina, that a motion that has no response after being served is considered uncontested (aka unopposed).

M.D.N.C. Civil Procedure: L.R. 7.3 MOTION PRACTICE: "*...If a respondent fails to file a response within the time required by this rule, the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.*"

Dkt. #199, Dkt. #169 motions was filed in “Civil Case number: 17CV1036”, thus the local rules of civil procedure applied to that motion. No response means that the facts and claims in that motion were uncontested and ordinarily will be granted without further notice. Clerk’s office made a clerical error not filing “Document #206” and “#169” under that civil case number as was with #199 and #213. The U.S. Attorney office had two weeks to file a response (by the Clerk’s instructions by notice, Dkt. #211) to the objections which also includes but not limited to fraud upon the court allegations in Document #213 and did not file any such response, so Appellant’s/Petitioner’s objections and fraud upon the court allegations in that pleading was also uncontested. The entire case is already grounded on fraud, and uncontested criminal/civil motions. Document #169 was also a civil motion for the 2255 case but the Clerk’s clerical mistake of not adding that it was a civil motion under 17CV1036, doesn’t change the fact that the motion was unopposed/uncontested and by default shall obtain the relief sought.

Pg 4: *“Hill’s claims that his supervised release revocation was initiated and secured by frauds on the court is belied by the district court’s findings in its Memorandum Order regarding the accuracy of the transcript, which states in relevant portion: Mr. Hill was caught by law enforcement exposing himself in public throughout his hometown in Martinsville, Virginia, in the early morning hours of September 21, 2018, proof of which was provided by officer testimony as well as photographs Mr. Hill took of himself on his camera. At the time he was apprehended, Mr. Hill was completely naked, except for footwear. The Defendant was convicted of indecent exposure in state court in Virginia in 2018, and his federal revocation proceeding followed.”*

That was a lie at the time the memorandum order was entered. There was no conviction upon appeal from General District Court to Circuit Court, known as

Trial De Novo. There was no conviction in state court in 2018 after the appeal was timely filed for Trial De Novo. The revocation charge under Dkt. 157 was filed in November, 2018, before the General District Court trial on December 21, 2018. So the revocation proceedings already had begun during the trial de novo process.

Also this Court should take judicial notice of state appeal case law under Dkt. 206-3, 206-4, 206-5, 206-6, that Appellant did not violate Virginia law regarding indecent exposure unless there was any evidence of obscenity. There was no evidence that Ramaswamy/Respondent had ever cited showing any proof of obscenity as required by Virginia courts to convict. No mention of any sexual conduct. No mention of nor reference to any evidence of obscenity. Brian's conduct on September 21, 2018 was inappropriate behavior socially, but was not illegal.

Pg 7: "*Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re Murphy-Brown, LLC, 907 F.3d 788, 795 (4th Cir. 2018).*"

While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, *Sanchez v. Hester*, 911 S.W.2d 173, (Tex.App. – Corpus Christi 1995).

Appellant had already filed three fraud upon the court motions uncontested (Dkt. #169, #199, #206) and pleadings uncontested regarding any issues of fraud (Dkt. #213) and the U.S. District Court had failed or refused to enter any order for any of those motions asking for relief by vacating void judgments. Thus the Court has failed in their duties to act upon a Motion well-grounded in law, aka the inherit powers of the court to vacate any fraudulent begotten judgments to protect the

judicial machinery from fraud/abuses including the All Writs Act (28 U.S.C §1651).

Petitioner clearly has a right to relief in being relived from any void judgments, and void judgments are created when an order was procured through fraud, then a judgment is no longer valid and can be attacked at any time in any court that has territorial jurisdiction, through mandamus or collateral attack. When a District Court has three uncontested motions and uncontested pleadings (collateral attack) regarding orders procured through fraud by an officer of the court, and does nothing to act on any uncontested motions, it has failed in their duties to administer justice and thus the only form of relief left is for a higher court to order a lower court to take action on the uncontested fraud/sanctions motions. These motions were filed in both the criminal and civil case as part of the 2255 case. Federal Rules of Civil and Criminal procedure also apply to a 2255 case, which include local rules. Uncontested motions are entitled to the Court acting upon them at any time after the response deadline has no response by the party adverse to the Movant of the Motion.

Pg 4-5: *“Docket Entry #223 at 1 in case 1:13CR-435-TDS-1. In Hill’s petition for mandamus and in his instant motion for stay, he does not provide proof of his claims of fraud upon the court in terms of relevant portions of the record, contravening evidence, or any other justification for the extraordinary relief he seeks in the form of mandamus; rather, Hill only offers unsupported conclusory statements of fraud.”*

That is psychological gas-lighting by this counsel, and is attempting to negate any chance of review or investigation by a higher court or even the lower court into the proven frauds. How is it unsupported and not part of the relevant portions of the record when actual evidence and citation of different parts of the record or

transcript was cited in each “motion for sanctions”. It is gas lighting to consider all claims, evidence, and citations to be “*unsupported conclusory statements*”.

Supported by evidence, past evidence in other pleadings, case law, and showing cross referencing. All of that does not fit the U.S. Attorney’s narrative for the gas-lighting statement noted above. “*Gaslighting is a form of psychological manipulation in which a person seeks to sow seeds of doubt in a targeted individual or in members of a targeted group, making them question their own memory, perception, and sanity.*”

The District Court ignores Brian’s, his family’s proof of a setup, that Brian is innocent of the initial charge of child porn possession.

To understand the proof documents on Brian’s 2255 Motion, you would have to know the dates that the Mayodan police department claims that child porn was downloaded on Brian’s laptop computer (July 20, 2012 to July 27, 2012) and the dates that the NC SBI claim (July 20, 2012 until July 28, 2013) as well as the date of the police raid on Brian’s house by Mayodan police and when they took this computer (August 28, 2012). These dates are the Government’s Discovery Proof from Mayodan police & NC SBI report.

Threat emails Brian received in 2013 & 2015: Brian’s 2255 Motion, **Document 71-1; Document #131, Filed 11/14/17, Page 70-71.** Town of Mayodan knew Brian’s address before he was set up with child porn. Email Brian sent to town of Mayodan on 3/12/2012. **Document #132, Filed 11/14/17, Page 42.**

Brian wrote an article on **July 12, 2012** on the Internet that he was afraid of the Mayodan police chief and was afraid that they were going to try to arrest him or his mom eight days before the alleged child porn was put on Brian’s computer. For proof see Page 78-81. Mayodan police report: Discovery used by the

government attorneys: Page 46 proof that in August, 2012 before the police questioned Brian, they knew he was disabled. Page 47 again from the government's attorneys: Page 52 Brian was speaking at Mayodan town hall meetings in March, April, May, July 9, 2012. (Page 95) Proof in court records in 2014, in Brian's 2255 Motion. Connections between Investigators & Politicians Unethical & Conflict of interest. (**Document #132**, Page 57-68). Proof documents that Brian was writing articles on his USWGO website about these people on **July 16, 2012**. (Page 98), Viruses (Document #131, pg 79-89).

Affidavit from Brian's mom that she was called by someone about her being a third party custodian in December, 2013 maybe letting Brian come home under the Adam Walsh sex act before Brian's case even went to trial. Neither he nor his family would be allowed to have a phone, etc. **Document #131**, Filed 11/14/17, Page 1-2. Brian was not given any insulin his first days in jail, and he is a brittle insulin dependent diabetic. Many Medical documents prove cruel & unusual punishment while Brian was in the jail system in NC: **Page 3-18**. On many court days Brian was not given insulin until that evening. Doctor's prescription since February, 1992 is 4 or more insulin shots per day. He was taken to Cone Hospital on 11/7/2014 with hyperglycemia (glucose over 500): Page 19-21.

Brian's family sent emails to his court appointed attorney explaining about Brian's health (autism, etc), witness affidavits, etc. in December, 2013. Found out while sending these to Brian's mom in March, 2017 that Yahoo email had a note that Placke had deleted all attachments. We sent this proof to the court: (Document #131, Page 25-35).

Read **Document #134**, Filed 11/14/17, Page 76-87. **This is his mom (Roberta Hill)'s eye witness account as she is Brian's main caregiver trained in autism,**

was a nurses aid in NC, was at the Mayodan police station when Brian confessed falsely to downloading it and was at the June & September, 2014 hearings. She also read the discovery (police report & NC SBI report).

This was the reason Brian took the guilty plea as recorded in a supplement in his 2255. See **Document #134, Page 50**. This attorney did use the benefit or a threat of harm the night before on the phone to Brian's family when he told Brian's family to tell Brian to plead guilty: There is a common law rule in the **Fifth Amendment of our Constitution**; the rationale was the **unreliability of the confession's contents when induced by a promise of benefit or a threat of harm**. Attorney Placke admitted to the court that he was not prepared for jury trial. **Document #18, Filed 06/04/14, Page 1-4**.

These detectives in Mayodan police report claim they are familiar with the child porn that they claimed was in this laptop computer. The US government revealed in the Presentence Investigation Report in paragraph #13, **Document #33**, Filed 09/16/2014, page 6 of 26 that *none of the children have been identified as part of a known series by the National Center for Missing and exploited Children*.

Constitutional laws broken: **Amendment VIII; Fifth Amendment of our Constitution; Fourth Amendment, etc.**

WITNESS accounts ignored by this court: Attorney Susan Basko's Declaration **Document #46, Filed 09/30/14, Page 1-3**. Susan Basko is a lawyer for independent media, Attorney/Counsellor of the Supreme Court of the United States. (Stella Forinash) in **Document #134, Filed 11/14/17, Pages 34-72**; Kenneth R. Forinash,

TSgt, USAF, Ret) Pages 73-75; Roberta Hill) Pages 76-87. Court never got a medical expert: (page 88-99).

A false confession is an admission of guilt for a crime for which the confessor is not responsible. False confessions can be induced through coercion or by the mental disorder or incompetency of the accused. Proof of Brian's actual innocence, set up threats in 2013/2015, ineffective attorneys, and fraud upon the court are in various documents in Brian's 2255 Motion in November & December 2017. For more information see Stella Forinash's investigation & witness proof, Document #213, Filed 11/01/19, Page 91-137.

Both attorneys admit in court that they had ignored all of Brian's witnesses in September, 2014 (Rule 3.8).

WHEREFORE, the Appellant respectfully requests that the Court grant Appellant's/Hill's "Emergency Motion for Stay" in Docket Entry #14 of the instant case.

Respectfully filed with the Court, this the 29th day of November, 2019.

Respectfully submitted,

Brian D. Hill

Signed

Signed

Brian D. Hill (Pro Se)

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

Phone #: (276) 790-3505

U.S.W.G.O.

Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

I ask Qanon/President-Trump for Help (S.O.S.)

JusticeForUSWGO.wordpress.com

Signature block

Qanon S.O.S.
WWG1WGA

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
Effective 12/01/2016

No. 19-2338Caption: In re: BRIAN DAVID HILL

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT
Type-Volume Limit, Typeface Requirements, and Type-Style Requirements

Type-Volume Limit for Briefs: Appellant's Opening Brief, Appellee's Response Brief, and Appellant's Response/Reply Brief may not exceed 13,000 words or 1,300 lines. Appellee's Opening/Response Brief may not exceed 15,300 words or 1,500 lines. A Reply or Amicus Brief may not exceed 6,500 words or 650 lines. Amicus Brief in support of an Opening/Response Brief may not exceed 7,650 words. Amicus Brief filed during consideration of petition for rehearing may not exceed 2,600 words. Counsel may rely on the word or line count of the word processing program used to prepare the document. The word-processing program must be set to include headings, footnotes, and quotes in the count. Line count is used only with monospaced type. See Fed. R. App. P. 28.1(e), 29(a)(5), 32(a)(7)(B) & 32(f).

Type-Volume Limit for Other Documents if Produced Using a Computer: Petition for permission to appeal and a motion or response thereto may not exceed 5,200 words. Reply to a motion may not exceed 2,600 words. Petition for writ of mandamus or prohibition or other extraordinary writ may not exceed 7,800 words. Petition for rehearing or rehearing en banc may not exceed 3,900 words. Fed. R. App. P. 5(c)(1), 21(d), 27(d)(2), 35(b)(2) & 40(b)(1).

Typeface and Type Style Requirements: A proportionally spaced typeface (such as Times New Roman) must include serifs and must be 14-point or larger. A monospaced typeface (such as Courier New) must be 12-point or larger (at least 10½ characters per inch). Fed. R. App. P. 32(a)(5), 32(a)(6).

This brief or other document complies with type-volume limits because, excluding the parts of the document exempted by Fed. R. App. P. 32(f) (cover page, disclosure statement, table of contents, table of citations, statement regarding oral argument, signature block, certificates of counsel, addendum, attachments):

Excluding signature block, cover page, and proof of service from word count

- ☒ this brief or other document contains 2,599 [state number of] words
- ☐ this brief uses monospaced type and contains _____ [state number of] lines

This brief or other document complies with the typeface and type style requirements because:

- ☒ this brief or other document has been prepared in a proportionally spaced typeface using Microsoft Word 2013 [identify word processing program] in Times New Roman, Font Size 14 [identify font size and type style]; or
- ☐ this brief or other document has been prepared in a monospaced typeface using _____ [identify word processing program] in _____ [identify font size and type style].

(s) Brian D. Hill
Signed

Party Name Brian David Hill

Dated: November 29, 2019

FOR: "PETITIONER'S REPLY TO UNITED STATES
REPOSE [DKT. #17] TO "EMERGENCY MOTION FOR
STAY EXECUTION OF JUDGMENT OF THE DISTRICT
COURT PENDING WRIT OF MANDAMUS APPEAL OR IN
THE ALTERNATIVE TO STAY EXECUTION OF
IMPRISONMENT PENDING WRIT OF MANDAMUS"
APPEAL"

11/14/2016 SCC

CERTIFICATE OF SERVICE

Petitioner/Appellant requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that "The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases". Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

Petitioner hereby certifies that on November 29, 2019, service was made by mailing the original of the foregoing:

"PETITIONER'S REPLY TO UNITED STATES REPOSE [DKT. #17] TO "EMERGENCY MOTION FOR STAY EXECUTION OF JUDGMENT OF THE DISTRICT COURT PENDING WRIT OF MANDAMUS APPEAL OR IN THE ALTERNATIVE TO STAY EXECUTION OF IMPRISONMENT PENDING WRIT OF MANDAMUS APPEAL""

by deposit in the United States Post Office, in an envelope (Express mail), Postage prepaid, on November 29, 2019 addressed to the Clerk of the Court in the United States Court of Appeals for the Fourth Circuit, 1100 East Main Street, Suite 501, Richmond, VA 23219.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

| | |
|---|---|
| Anand Prakash Ramaswamy U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov | Angela Hewlett Miller U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov |
| JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 | |

| | |
|----------------------|--|
| john.alsup@usdoj.gov | |
|----------------------|--|

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

| | |
|---|---|
| <p>Date of signing:</p> <p><u>November 29, 2019</u></p> | <p>Respectfully submitted,</p> <p><u>Brian D. Hill</u> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O. I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again JusticeForUSWGO.wordpress.com</p> |
|---|---|

Priority Express Mail tracking no: EL-334902550 US

**PRIORITY
★ MAIL ★
EXPRESS™**

OUR FASTEST SERVICE IN THE U.S.

B/C
INSPECTED

DEC 02 2013

U.S. MARSHALS

WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.



EP13F July 2013 OD: 12.5 x 9.5



PS 1000 1000006

VISIT US AT USPS.COM®
ORDER FREE SUPPLIES ONLINE

+ Money Back Guarantee for U.S. destinations only.

WRITE FIRMLY WITH BALL POINT PEN ON HARD SURFACE TO MAKE ALL COPIES LEGIBLE

CUSTOMER USE ONLY
FROM: (PLEASE PRINT)
U.S. W.G.O. Justice For US WFO WFO
Brian D. Hill-Ally of Design SOS
310 Forest Street Apt 2
Martinsville, VA 24112
PHONE (270) 790-3015

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)
☐ SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.
Delivery Options
☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available)
☐ 10:30 AM Delivery Required (additional fee, where available)
*Refer to USPS.com® or local Post Office® for availability.

TO: (PLEASE PRINT)
Clerk of the Court URGENT
U.S. Court of Appeals
1100 East Main St Suite 501
Richmond VA
ZIP + 4® (U.S. ADDRESSES ONLY)
23219-1353
PHONE (804) 276-2700



EL334902550US



**PRIORITY
★ MAIL ★
EXPRESS™**

ORIGIN (POSTAL SERVICE USE ONLY)

☐ 1-Day ☐ 2-Day ☐ Military Postage

Scheduled Delivery Date (MM/DD/YY)

Date Accepted (MM/DD/YY)

Time Accepted ☐ AM ☐ PM

Weight lbs. ozs.

Scheduled Delivery Time ☐ 10:30 AM ☐ 12 NOON ☐ 3:00 PM

10:30 AM Delivery Fee \$

Sunday/Holiday Premium Fee \$

Acceptance Employee Initials

Insurance Fee \$

Return Receipt Fee \$

Total Postage & Fees \$

Live Animal Transportatic \$

COD Fee \$

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM

Employee Signature

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM

Employee Signature

LABEL 11-B, SEPTEMBER 2015 PSN 7690-02-000-9956

3-ADDRESSEE



**UNITED STATES
POSTAL SERVICE**